

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MIKE AHLSTROM, et al.,

Plaintiffs,

v.

EDBERT DITTMAR, et al.,

Defendants.

CASE NO. C03-2991RSM

ORDER OF DISMISSAL

This matter is before the Court for consideration of the parties' cross-motions to dismiss. Defendant Dittmar, the sole remaining defendant, has moved for summary judgment as to all claims. The motion was originally noted for May 6, 2005, but was re-noted to May 13, 2005 upon the parties' stipulation. On May 9, 2005, plaintiffs filed an "uncontested motion to dismiss" and motion to enforce a settlement agreement. This motion was improperly designated as a stipulated motion and noted for the same day. Defendant responded to the motion to assert that the alleged settlement was never finalized, and the designation of the motion as "uncontested" was improper. Accordingly, plaintiffs' motion to enforce the settlement and dismiss under the terms thereof is DENIED.

Plaintiffs have failed to respond to defendant's summary judgment motion in any way. Accordingly, pursuant to Local Rule CR 7(b)(2), defendant's motion for summary judgment is GRANTED and this action is hereby DISMISSED as to all claims against defendant. Defendant's

1 counterclaims have previously been voluntarily dismissed by the filing of defendant's third amended
2 answer.

3 This Order shall operate to lift the preliminary injunction imposed November 24, 2003, and
4 release the bond posted by plaintiffs.

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7 DATED this 18 day of May, 2005.

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10 RICARDO S. MARTINEZ
11 UNITED STATES DISTRICT JUDGE
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